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Attorney Docket No. Bayer 10,019.2 Rei

APPLICANT: Klaus-Helmut Müller et al.

TITLE: Herbicidal Sulphonylamino(Thio)Carbonyl Compounds

USSN: 10/603,997

FILED: 25 June 2003 (date granted 5 November 2003)

**EXPRESS MAIL CERTIFICATE**

"Express Mail" mailing label number EV383032761US

Date of Deposit April 5, 2004

I hereby certify that the following items:

1. Petition under 37 CFR 1.17(h)-Notice to File Corrected Application Papers (3 pgs.)
2. Copy of Notice to File Corrected Application Papers
3. A courtesy copy of pgs. 407-408 and a cover pg. of US Patent 6,251,831
4. Copy of a return receipt postcard for 5 November filing
5. Fee Transmittal
6. Express Mail Certificate
7. Return Receipt Postcard

are being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

NORRIS, McLAUGHLIN & MARCUS, P.A.

By Agata Glinska  
Agata Glinska



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<b>FEE TRANSMITTAL</b> <b>for FY 2004</b> <i>Effective 10/01/2003. Patent fees are subject to annual revision.</i>		<b>Complete if Known</b>	
		Application Number	10/603,997
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	June 25, 2003
		First Named Inventor	Klaus-Helmut Muller et al.
		Examiner Name	Patricia Morris
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) <b>\$130.00</b>		Art Unit	1625
		Attorney Docket No.	Bayer 10,019.2 Rei (100717-600)

<b>METHOD OF PAYMENT</b> (check all that apply)		<b>FEE CALCULATION</b> (continued)					
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		<b>3. ADDITIONAL FEES</b>					
<input checked="" type="checkbox"/> Deposit Account:		<b>Large Entity</b> <b>Small Entity</b>					
Deposit Account Number		Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
Deposit Account Name		1051	130	2051	65	Surcharge - late filing fee or oath	
		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
		1053	130	1053	130	Non - English specification	
		1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
		1251	110	2251	55	Extension for reply within first month	
		1252	420	2252	210	Extension for reply within second month	
		1253	950	2253	475	Extension for reply within third month	
		1254	1,480	2254	740	Extension for reply within fourth month	
		1255	2,010	2255	1,005	Extension for reply within fifth month	
		1401	330	2401	165	Notice of Appeal	
		1402	330	2402	165	Filing a brief in support of an appeal	
		1403	290	2403	145	Request for oral hearing	
		1451	1,510	1451	1,510	Petition to institute a public use proceeding	
		1452	110	2452	55	Petition to revive - unavoidable	
		1453	1,330	2453	665	Petition to revive - unintentional	
		1501	1,330	2501	665	Utility issue fee (or reissue)	
		1502	480	2502	240	Design issue fee	
		1503	640	2503	320	Plant issue fee	
		1460	130	1460	130	Petitions to the Commissioner	130.00
		1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
		1806	180	1806	180	Submission of Information Disclosure Statement	
		8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
		1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
		1801	770	2801	385	Request for Continued Examination (RCE)	
		1802	900	1802	900	Request for expedited examination of a design application	
		Other fee (specify) _____					
<b>1. BASIC FILING FEE</b>		<b>SUBTOTAL (3)</b> (\$) <b>\$130.00</b>					
<b>2. EXTRA CLAIM FEES FOR UTILITY AND</b>							
Total Claims -20** = 0 X Fee from below = 0.00							
Independent Claims -3** = 0 X Fee from below = 0.00							
Multiple Dependent _____ = _____							
<b>3. ADDITIONAL FEES</b>							
<b>Large Entity</b> <b>Small Entity</b>							
Fee Code Fee (\$)		Fee Code Fee (\$)					
1202 18		2202 9					
1201 86		2201 43					
1203 290		2203 145					
1204 86		2204 43					
1205 18		2205 9					
SUBTOTAL (2) (\$) \$0.00							

\*\*or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>			
Name (Print/Type)	Howard C. Lee	Registration No. (Attorney/Agent)	48,104	Telephone	212-808-0700
Signature	Howard C. Lee	Date	April 5, 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Bayer 10,019.2-Reissue  
100717-600  
Le A 31 192 Lu/Ho US-Reissue

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Klaus-Helmut Müller et al.  
SERIAL NO. : 10/603,997  
FILED : 25 June 2003 (date granted 5 November 2003)  
FOR : HERBICIDAL SULPHONYLAMINO(THIO)CARBONYL COMPOUNDS  
ART UNIT : 1625  
EXAMINER : Patricia Morris

5 April 2004

Mail Stop: Missing Parts

Hon. Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR § 1.17(h) - NOTICE TO FILE CORRECTED APPLICATION PAPERS

SIR:

In response to the Notice to File Corrected Application Papers dated 9 February 2004, please accept this petition under 37 CFR § 1.17(h) which explains the applicants contention that the originally filed items were in fact deposited with the USPTO.

- (1) With regard to the Abstract of the disclosure, this was included in the cover page for U.S. Patent 6,251,831 which was sent 5 November 2003 (see copy of return receipt post card stamped 5 November 2003).

37 CFR 1.72(b) states:

A brief abstract of the technical disclosure in the specification must commence on a separate sheet, **preferably following the claims**, under the heading "Abstract" or "Abstract of the Disclosure." The abstract in an application filed under 35 U.S.C. 111 may not exceed 150 words in length. The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure. The abstract will not be used for interpreting the scope of the claims.

04/08/2004 CCHAU1 00000039 141263 10603997

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(i.e. there is only a requirement that the Abstract commence on a separate sheet; there is no requirement that the Abstract be present after the claims.)

In addition, in the Notice of Incomplete Reissue Application Filed Under 37 CFR 1.53(b) dated 5 September 2003, there was no indication that the Abstract of the disclosure was missing.

A courtesy copy of the cover page of U.S. Patent 6,251,831 with the Abstract is included with this petition.

- (2) After reviewing the applicants' file, pages 407-408 were included in the applicants' filed papers of 5 November 2003.

A courtesy copy of pages 407-408 (actually col. 407-408) of U.S. Patent 6,251,831 is included with this petition.

NOTE: Given the length of the application, there appears to have been some difficulty in keeping the papers together in this file. The applicants would like to note for the record that the applicants did not earlier petition the non-receipt of the specification in the Notice dated 5 September 2003 as other items were missing from the reissue application. However, the complete patent (i.e. specification, claims and abstract) has been submitted twice in whole to date. If there are any additional problems, please contact the undersigned so that these issues may be promptly resolved so that prosecution of this application can begin.

<b>CONDITIONAL PETITION FOR EXTENSION OF TIME</b>
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If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

<b>ADDITIONAL FEE</b>
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Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

**Closing**

Applicants also believe that this petition address the refusal of the inventor to sign the combined power of attorney/oath and declaration. However, should any issue(s) of a minor nature remain, the PTO is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Respectfully submitted,

Norris, McLaughlin & Marcus, P.A.

By: Howard C. Lee  
Howard C. Lee  
Reg. No. 48,104

220 East 42<sup>nd</sup> Street  
30<sup>th</sup> Floor  
New York, New York 10017  
(212) 808-0700

Attachments: Courtesy copies of:  
(1) Cover page of U.S. Patent 6,251,831  
(2) Page (co.) 407-408 of U.S. Patent 6,251,831  
Return receipt post card for 5 November 2003 filing

<b>CERTIFICATE OF MAILING</b>
-------------------------------

I hereby certify that the foregoing Petition Under 37 CFR 1.17(h) is being deposited with the United States Postal Service as Express Mail, Label No. EV 383032761US in an envelope addressed to: Mail Stop Missing Parts, Hon. Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

Date: **5 April 2004**

By: Agata Glinska  
Agata Glinska



UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER

10/603,997

FILING OR 371 (c) DATE

11/05/2003

INVENTOR NAMED APPLICANT

Klaus-Helmut Muller

ATTORNEY DOCKET NUMBER

Bayer 10.019.2 REI

27384

KURT BRISCOE

 NORRIS, MCLAUGHLIN & MARCUS, P.A.  
 220 EAST 42ND STREET, 30TH FLOOR  
 NEW YORK, NY 10017

CONFIRMATION NO. 9703

FORMALITIES LETTER



\*OC000000011860149\*

Date Mailed: 02/09/2004

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

The following item(s) appear to have been omitted from the application:

- Page(s) **Pages 407-408** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the reissue application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

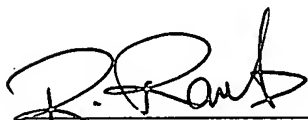
III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

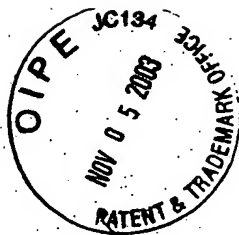
PART 1 - ATTORNEY/APPLICANT COPY



Serial No.: Reissue of 6,251,831

Our Case: Bayer 10/0192 100717-600

Mailing date: 5 November 2003



Receipt of

Executed Combined Reissue Declaration/Power of Attorney;  
Specification and Claims; Signed Consent Decree by Dr.  
Bader; Notice of incomplete Reissue Application; Statement  
under 37 CFR 3.73(b); Express mail Certificate; return receipt  
postcard;

Express Mail Label EV 328768670 US

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